

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JALIL COOPER, :
Plaintiff, :
: :
v. : : CIVIL ACTION NO. 19-CV-1004
: :
JAMES ANTHONY LAMMENDOLA, :
Defendant. :
:

ORDER

AND NOW, this 18th day of April, 2019, upon consideration of Plaintiff Jalil Cooper's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF Nos. 7, 9), and his *pro se* Complaint (ECF No. 2), which raises claims under 42 U.S.C. § 1983, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Jalil Cooper, #NM0849, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of SCI Somerset or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Cooper's inmate account; or (b) the average monthly balance in Cooper's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Cooper's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

Cooper's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of SCI Somerset.

4. The Complaint is **DEEMED** filed.

5. The federal constitutional claims contained in Cooper's Complaint are **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

6. The state law claims are **DISMISSED without prejudice** to pursue in state court. Cooper is **DENIED** leave to file an amended complaint as amendment would be futile for the reasons stated in the Court's Memorandum.

7. Cooper's Motion for Leave to Amend Civil Complaint (ECF No. 6) is **DENIED as moot.**

BY THE COURT:

/s/ Gerald Austin McHugh
United States District Judge